

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4360

BY DELEGATES FOSTER, WAXMAN, HOUSEHOLDER,
BARNHART, JENNINGS, PORTERFIELD, ELLINGTON,
PHILLIPS, D. JEFFRIES, C. MARTIN AND WILSON

[Introduced January 15, 2020; Referred to the
Committee on Industry and Labor then Government
Organization]

1 A BILL to amend and reenact §21-16-3 of the Code of West Virginia, 1931, as amended, relating
 2 to exempting, from heating, ventilating, and cooling system licensing requirements, certain
 3 persons only performing electrical, fire protection, or plumbing work on a heating,
 4 ventilating, and cooling system, including, but not limited to, thermostats, bathroom fans,
 5 and tankless water heater ventilation.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. REGULATION OF HEATING, VENTILATING AND COOLING WORK.

§21-16-3. License required; exemptions.

1 (a) On and after January 1, 2016, a person performing or offering to perform work on a
 2 heating, ventilating, and cooling system in this state shall have a license issued by the
 3 Commissioner of Labor, in accordance with the provisions of this article and the legislative rules
 4 promulgated pursuant hereto: *Provided*, That the commissioner shall issue HVAC residential
 5 technician licenses to qualified applicants without examination who present satisfactory evidence
 6 no later than December 31, 2019, of having at least 2,000 hours of experience and/or training
 7 working on heating, ventilating, and cooling systems: *Provided, however*, That if a license issued
 8 under the authority of this subsection subsequently lapses, the applicant is subject to all licensure
 9 requirements, including the examination.

10 (b) A person licensed under this article shall carry a copy of the license on any job in which
 11 heating, ventilating, and cooling work is being performed.

12 (c) This article does not apply to:

13 (1) A person who personally performs work on a heating, ventilating, and cooling system
 14 in a single family dwelling owned by that person or by a member of that person’s immediate family;

15 (2) A person who performs work on a heating, ventilating, and cooling system at a
 16 manufacturing plant or other industrial establishment as an employee of the person, firm, or
 17 corporation operating the plant or establishment;

18 (3) A person who performs only electrical, fire protection, or plumbing work on a heating,

19 ventilating, and cooling system, which includes, but is not limited to, thermostats, bathroom fans,
20 and tankless water heater ventilation, so long as the work is within the scope of practice which
21 the person is otherwise licensed or authorized to perform; or
22 (4) A person who performs routine maintenance on any heating, ventilating, and cooling
23 system.

NOTE: The purpose of this bill is to exempt from heating, ventilating, and cooling system licensing requirements, certain persons only performing electrical, fire protection, or plumbing work on a heating, ventilating, and cooling system, including, but not limited to, thermostats, bathroom fans, and tankless water heater ventilation.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.